

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BERTRAM EMEKEKWUE,</b>	:	<b>CIVIL ACTION NO. 1:12-cv-1503</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>IKE AGWUEGBO</b>	:	
	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 22nd day of August, 2012, upon consideration of the motion to dismiss (Doc. 3), filed August 14, 2012 and supporting brief (Doc. 4) filed August 21, 2012, by defendant Ike Agwuegbo, and upon further consideration of the amended complaint (Doc. 6), likewise filed on August 21, 2012, and it appearing that a party may amend its pleading once as a matter of course within twenty-one (21) days after serving it, or within twenty-one (21) days after service by the opposing party of a motion filed pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, see Fed. R. Civ. P. 15(a)(1)(A)-(B), and the court finding that an amended complaint renders the original complaint a legal nullity, see Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002) (“An amended complaint supercedes the original version in providing the blueprint for the future course of the lawsuit.”); 6 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (2d ed. 1990) (“Once an amended pleading is interposed, the original

pleading no longer performs any function in the case . . .”), it is hereby ORDERED that:

1. Defendant shall respond to the amended complaint in accordance with the Federal Rules of Civil Procedure.
2. The motion to dismiss the complaint (Doc. 3) is DENIED as moot without prejudice.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge